



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*50 Main Street – Suite 1100
White Plains, New York 10606*

By Email

The Honorable Philip M. Halpern
United States District Judge
Southern District of New York
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

SO ORDERED.

A handwritten signature of Philip M. Halpern in black ink, enclosed within a rectangular box.

Philip M. Halpern
United States District Judge

Dated: White Plains, New York
February 8, 2024

Re: *United States v. Kidane Gallimore*, 23 CR 66

Dear Judge Halpern,

The Government respectfully asks the court to issue an order outlining the terms by which the Drug Enforcement Administration (“DEA”) and United States Postal Service Office of Investigation (“USPS OIG”) will release certain narcotics seized in this case to a third-party laboratory chosen by defense counsel—NMS Labs—to independently weigh the drugs.

The Government has produced to defense counsel a chemical analysis report regarding a quantity of fentanyl seized from the defendant’s home in relation to the instant action. The analysis confirms that the substance contains fentanyl and concludes that the net weight of the fentanyl found in the defendant’s home is approximately 244 grams. On or about January 17, 2024, defense counsel wrote to the Government stating that they would like to have an independent lab weigh the seized fentanyl. Defense counsel is not seeking to have the evidence retested to confirm that it contains fentanyl.

Because the net weight of the seized narcotics is material to the defendant’s sentencing guidelines should the defendant plead or be found guilty of Count Two of the Indictment, the Government does not oppose defense counsel’s request. Also, because the Government carries the burden of proof on all elements of the charged offenses, the Government, DEA, and USPS OIG request that a member of the DEA and/or USPS OIG be allowed to be present when NMS Labs re-weighs this crucial piece of evidence.

To that end, the Government respectfully requests the Court so-order this letter, requiring:

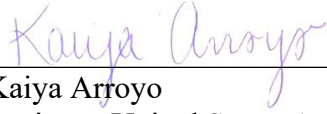
1. Special Agents and/or Task Force Officers from the DEA and USPS OIG to transport the requested narcotics with appropriate safeguards to maintain the integrity of the evidence, including the chain of custody of the evidence; and
2. Special Agents and/or Task Force Officers from the DEA and USPS OIG to be present for all re-testing and take whatever measures are necessary to maintain the chain of custody of the evidence.

Defense counsel does not object to the proposed order. Thank you for your consideration.

Respectfully Submitted,

DAMIAN WILLIAMS
United States Attorney

By:


Kaiya Arroyo
Assistant United States Attorney
(914) 993-1919

C: Rachel Martin, Esq.
Counsel for the defendant